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10 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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12 ARTHUR MILLER,

13 Plaintiff,

14 v.

15 CHAPLAIN RON BAER, *et al.*,

16 Defendants.
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CASE NO. C08-5196 RBL/JRC

ORDER DENYING SERVICE BY
PUBLICATION.

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19 This case has been referred to the undersigned Magistrate Judge pursuant to Title 28
20 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates Judges' Rules MJR 1, MJR 3,
21 and MJR 4. The matter is before the court on plaintiff's motion to serve defendant Otis Huston
22 by publication (Dkt. # 48). Defendants have responded and note that plaintiff's assertion that
23 Otis Huston is avoiding service is incorrect. Otis Huston left state service years before this
24 action was commenced (Dkt. # 53). The burden is on the plaintiff to prove that Mr. Huston is
25 avoiding service. Plaintiff has come forward with no evidence to support this conclusion.
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1 Therefore, the motion to serve by publication is DENIED at this time, but this motion may be
2 renewed if Plaintiff can make such a showing.

3 DATED this 15th day of July, 2009.
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7 J. Richard Creatura
8 United States Magistrate Judge
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